

MINUTES
KENTUCKY BOARD OF PHARMACY
Frankfort, Kentucky
January 9, 2002

CALL TO ORDER: A regular meeting of the Kentucky Board of Pharmacy was held at the Board office, 23 Millcreek Park, in Frankfort, Kentucky. President Foster called the meeting to order at 9:10 a.m.

Members present: Thomas S. Foster, Becky M. Cooper, Georgina Kindall-Jones, Joe Carr, Patricia Thornbury and Tim Armstrong. Staff present: Michael A. Moné, Executive Director; Jeffrey L. Osman, Pharmacy Inspections and Investigations Coordinator; Katie Busroe, Maxine Snively and Philip C. Losch, Pharmacy and Drug Inspectors; Cheryl Lalonde-Mooney, Assistant Attorney General and Board Counsel and Stacy Rankin, Executive Secretary. Juanita Toole, Court Reporter, recorded the meeting.

APPEARANCES: **James Richard Batson.** Mr. Batson appeared to petition for reinstatement of his pharmacist's license. Mr. Batson was placed under oath by Ms. Toole, Court Reporter. Mr. Batson gave a short overview of the cause leading to the loss of his pharmacist's license. Dr. Foster and Mr. Moné reviewed the recommendation of the Impaired Pharmacist Committee for reinstatement of license. Ms. Jones moved to reinstate with an Order of Reinstatement for impairment with stipulations as follows: probation for five years; enter into a HELP contract; attendance at either the University of Utah School on Alcoholism and other Drug Dependencies or the Southeastern PRN Meeting within one year; attend AA/NA meetings no less than 3 times per week; engage the services of CDC/CDAC; no service as pharmacist-in-charge; no power-of-attorney; employment for no more than 40 hours per week or 80 hours in a two-week period; random observed urine/blood screens twice monthly with others as requested by the Board; notification to all employers; notification to the Board of change in employment within five days; Board or Board President's approval of all employers; submission of a signed release for medical records; no dispensing of prescriptions to self or family members; utilize only one pharmacy for prescriptions; notification to the Board of all legend and nonlegend drugs taken within 10 days; monthly self-assessments of progress of professional and treatment developments; quarterly reports by counselors; semi-annual inspections and quarterly self audits at all locations or employment; Order on Reinstatement to be drafted and forwarded to Mr. Batson for his signature and upon its return to be signed by President Foster. The motion was seconded by Mr. Carr and passed unanimously.

University of Louisville - Don Kupper. Mr. Kupper gave a presentation of proposed recommendations for the Jefferson County area response system and disease control regarding bioterrorism.

WebMD - Nick Willard and Mike Berger. Mr. Willard and Mr. Berger gave presentation with respect to the Boards expectations of prescription orders transmitted electronically from a prescriber's computer to a pharmacy's facsimile machine. After discussion Ms. Jones moved to request the Executive Director to explore regulations and statutes from other states. The motion was seconded by Ms. Thornbury and passed unanimously.

BOARD REPORTS: **President.** President Foster gave a brief update on the webpage and appointed a committee to evaluate the Executive Director. Ms. Jones moved to accept the appointed committee. The motion was seconded by Ms. Thornbury and passed unanimously.

Executive Director. Mr. Moné updated members on the Board examination scheduled for January 26, 2002. He also introduced the new board members - Tim Armstrong and Patricia Thornbury. Mr. Mone requested approval from the Board for the staff to approve dual PIC request, reciprocities which report misdemeanor (DUI etc.) and equipment exemptions for pharmacies. After discussion Ms. Jones moved for acceptance. The motion was seconded by Mr. Carr and passed unanimously.

CURRENT/PENDING CASES:

Mr. Carr moved for acceptance and entry of the proposed Agreed Orders as written. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 01-0108; Case No. 01-0110; Case No. 01-0128 A&B and Case No. 01-0137.

CASE REVIEW COMMITTEE

Case No. 01-0137. Permit-holder allegedly failed to renew permit by September 30, 2001. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0138. Agreed Order of Surrender. CRC recommendation attempt to resolve through A.O. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0141A. Permit-holder allegedly failed to maintain proper security of controlled substance. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 01-0141A. Permit-holder allegedly failed to maintain proper security of controlled substance. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 01-0141B. Pharmacist allegedly failed to maintain proper security of controlled substance. CRC recommendation for Complaint with attempt to resolve through A.O. Ms. Jones seconded and the motion passed unanimously.

Case No. 01-0142A. Permit-holder allegedly failed to provide prospective drug use review by not reviewing rationale for use of drug or clinical misuse or abuse of drug. CRC recommendation for Complaint there is sufficient evidence developed and the investigator is directed to conduct further investigation. Mr. Armstrong seconded and the motion passed unanimously.

Case No. 01-0142B. Pharmacist allegedly failed allegedly failed to provide prospective drug use review by not reviewing rationale for use of drug or clinical misuse or abuse of drug. CRC recommendation for Complaint there is sufficient evidence developed and the investigator is directed to conduct further investigation. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0142C. Pharmacist allegedly failed allegedly failed to provide prospective drug use review by not reviewing rationale for use of drug or clinical misuse or abuse of drug. CRC recommendation for Complaint there is sufficient evidence developed and the investigator is directed to conduct further investigation. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 01-0142D. Pharmacist allegedly failed allegedly failed to provide prospective drug use review by not reviewing rationale for use of drug or clinical misuse or abuse of drug. CRC recommendation for Complaint there is sufficient evidence developed and the investigator is directed to conduct further investigation. Mr. Carr seconded and the motion passed unanimously.

Case No. 01-0143. Pharmacist allegedly failed allegedly failed to provide prospective drug use review by not reviewing rationale for use of drug or clinical misuse or abuse of drug. CRC recommendation for Complaint there is sufficient evidence developed and the investigator is directed to conduct further investigation. Ms. Thornbury seconded and the motion passed unanimously.

Case No. 01-0144. Permit-holder allegedly failed to provide prospective drug use review by not reviewing rationale for use of drug or clinical misuse or abuse of drug. CRC recommendation for Complaint there is sufficient evidence developed and the investigator is directed to conduct further investigation. Mr. Armstrong seconded and the motion passed unanimously.

Case No. 01-0145. Permit-holder allegedly failed to have an inspection prior to the pharmacy relocating within the same building. CRC recommendation for Complaint with attempt to resolve through A.O. Mr. Carr seconded and the motion passed unanimously.

CORRESPONDENCE: **Adam Crone-Hazelwood.** The Board reviewed the letter requesting an opinion on the use of Diastat as an injectable and its use on LTC emergency carts. After discussion to Ms. Jones moved to approve the request. Mr. Carr seconded and the motion passed unanimously.

Michael Carr - Integrity Healthcare. The Board reviewed the letter requesting permission to receive another pharmacy license for the same location. Ms. Jones moved to approve the request. Ms. Thornbury seconded and the motion passed unanimously.

Greg Jacobs. The Board reviewed the letter requesting reduction in urine screening per Agreed Order. Ms. Cooper moved to approve the request. Ms. Thornbury seconded and the motion passed unanimously.

Mynette McGhee - Board of Nursing. The Board reviewed the letter requesting the Board to appoint a member to the Registered Nurse Practice Council. After discussion Dr. Foster recommended Ms. Thornbury. Ms. Jones moved to approve the recommendation. Mr. Armstrong seconded and the motion passed unanimously.

Kimi Vaughn - Oldham Co. Health Dept.. The Board reviewed the letter requesting an equipment waiver. After discussion Mr. Carr moved to approve the request. Ms. Thornbury seconded and the motion passed unanimously.

RECIPROCITY/RELICENSURE/INTERNSHIP:

NABP: Kentucky will host the 2002 District III meeting which will be held at the Brown Hotel in Louisville in August 2002.

CONTINUING EDUCATION: Ms. Jones moved to accept the continuing education programs 02- 01 through 02-04 as recommended. Ms. Cooper seconded and the motion passed unanimously.

NEW BUSINESS:

OLD BUSINESS:

ADJOURNMENT: On motion by Ms. Jones, seconded by Ms. Thornbury and passed unanimously, President Foster adjourned the meeting at 12:58 p.m. The next Board meeting is scheduled to begin at 9:00 a.m. on March 6, 2002, at WT Young Library, Lexington, KY.

Michael A. Moné, Executive Director